UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **James HAYNES III,** Defendant(s)	Magistrate Case No. '08 MJ 0345 COMPLAINT FOR VIOLATION OF: Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii) Transportation of Illegal Aliens

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The undersigned complainant, being duly sworn, states:

On or about **February 5, 2008,** within the Southern District of California, defendant **James HAYNES** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Salvador GARRIDO-Paz, Jesus NAVA-Montenegro,** and **Jorge CARINO-Arias** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **6TH** DAY OF **FEBRUARY, 2008.**

Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
James HAYNES III

PROBABLE CAUSE STATEMENT

The complainant states that **Salvador GARRIDO-Paz, Jesus NAVA-Montenegro,** and **Jorge CARINO-Arias** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On February 05, 2008, Border Patrol Agents from the El Cajon Station were performing plainclothes anti-smuggling operations, in Tecate, California. At approximately 8:00 a.m., Senior Patrol Agent J. Vasquez observed a black male walk towards a maroon Nissan Pathfinder and open the vehicle's door. Agent Vasquez then observed the black male, later identified as the defendant **James Haynes III**, walk towards two individuals who were going to enter the maroon Pathfinder parked in the Three Dollar Parking Lot. The defendant then entered the vehicle and drove the vehicle out of the Three Dollar Parking Lot. Agent Vasquez observed the vehicle turn northbound on Highway 188 towards State Route 94. Agent Vasquez informed Senior Border Patrol Agent J. Diaz via service radio of the vehicle's direction of travel. Agent Vasquez then observed the two individuals who were going to load in the maroon Pathfinder walking south toward Mexico. The two individuals then observed Agent Vasquez walking toward them and both started to run toward Mexico. After a short foot chase, Agent Vasquez was able to stop one individual. Agent Vasquez identified himself as a Border Patrol Agent and questioned the individual as to his citizenship and immigration status. This subject, later identified as NAVA-Montenegro, Francisco, admitted to being a citizen of Mexico with no immigration documents that would allow him to enter or remain in the United States legally. The other subject absconded to Mexico. NAVA was arrested and transported to the El Cajon Border Patrol Station in El Cajon, California. At this point Agent Vasquez had reasonable suspicion to believe that the Nissan Pathfinder may have been involved in alien smuggling activities.

Border Patrol Agent J. Diaz was informed of the maroon Pathfinder's direction of travel and positioned himself near the intersection of Highway 188 and State Route 94, in his unmarked, Bureau vehicle and observed the maroon Pathfinder approach the intersection and headed eastbound on State Route 94. Border Patrol Agents R. Godreau, in his unmarked bureau vehicle and J. Napoli in his marked bureau vehicle, joined Agent Diaz in following the vehicle at a discreet distance. Agent Napoli strategically took lead and pulled behind the maroon Pathfinder and made a vehicle stop. The vehicle yielded off the south side of State Route 94 near Zuellner's, located in Campo, California.

Agents Napoli, Diaz and Godreau approached the driver and identified themselves as Border Patrol Agents and questioned him as to his citizenship. The defendant stated he is a United States Citizen. During the defendant's interview, Agents Napoli and Diaz overheard noises inside the Pathfinder's rear area to what appeared to be of people moving inside a speaker box, which led them to believe that there were people hidden inside the speaker box. Agents Diaz, Napoli, and Godreau then opened the speaker box from the rear seat and found five individuals stacked one upon each other inside the speaker box. Agents identified themselves as Border Patrol Agents and helped all subjects out of the speaker box and conducted field interviews. All subjects admitted to being citizens and nationals of Mexico, present in the United States without the proper immigration documents that would allow them to enter or remain in the United States legally. The defendant, along with the five smuggled individuals, were arrested and transported to the El Cajon Border Patrol Station in El Cajon, California.

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CONTINUATION OF COMPLAINT:
James HAYNES III

MATERIAL WITNESSES STATEMENTS:

Material **Salvador GARRIDO-Paz, Jesus NAVA-Montenegro,** and **Jorge CARINO-Arias** agree in summary that they are citizens and nationals of Mexico illegally present in the United States. They admit to entering the United States illegally. GARRIDO stated that he made arrangements with an unknown smuggler in Tijuana, Mexico to be smuggled for a sum of $2000. NAVA stated that his mother made arrangements with an unknown smuggler in Tijuana, Mexico for him to be smuggled into the United States. CARINO stated that his father was going to pay in between $1,000 and $2,000 upon his safe arrival to Temecula, California.